

Glendale Community College District

Administrative Regulation
6340

BIDS AND CONTRACTS

References:

Education Code Section 81641 et seq.; Public Contract Code Sections 2600, 2600.5, 20103.7, 20112, 20650 et seq., and 22000 et seq.; Labor Code 1770 et seq.; Government Code Section 53060; ACCJC Accreditation Standard [III.D.16](#); 2 Code of Federal Regulations Part 200.318; Title 5 Sections 59130 et seq.

This Administrative Regulation establishes the policies and procedures governing bidding and contracting activities for Glendale Community College District ("District"). These regulations are established to ensure transparency, fairness, and compliance with all applicable provisions of the California Public Contract Code, the California Education Code, Title 5 of the California Code of Regulations, and other relevant state and federal laws. These regulations are intended to guide all District/College personnel involved in the procurement of goods, services, and public works projects, as well as all vendors, contractors, and consultants seeking to do business with the District.

1. Agreement Terms

- A. Before the District can enter into a binding agreement, there must be an acceptance of the agreement by the Governing Board either through approval or ratification at a public meeting. The agreement becomes binding at the time of adoption by the Governing Board and communication of Board's approval to vendor. No agreement shall be valid nor constitute an enforceable obligation against the District unless and until same has been approved or ratified by the Board. Board ratification shall take place within 60 days of execution of agreement. (CA Ed Code 81655 and 81656)
- B. All agreements on behalf of the District not specifically required to be signed by the Vice President of Administrative Services and/or Clerk of the Board of Trustees, will be signed by persons authorized by the Board of Trustees. Names of approved signatories may be obtained from Administrative Services. Agreements signed by anyone not Board- approved will be considered invalid and will not be honored by the District.
- C. All agreements shall be submitted to Administrative Services for compliance review after initiator receives determination to proceed from manager/division dean and Executive Cabinet member (exceptions: Facilities Use and Public Works [below]).
- D. Agreements for Equipment, Materials, Supplies, and Services **under** current bid limit from a single vendor or for a single commodity, do not require an agreement beyond the Purchase Order, except for independent contractors. However, the District, at its discretion, may choose to enter into an agreement. For example: (1) when so doing, provides a benefit to District in the form of pricing or goods, (2) vendor requires a contract, or (3) in District's evaluation, it would be beneficial to District.

- E. Agreements for Equipment, Materials, Supplies, and Services **over** current bid limit from a single vendor or for a single commodity, require a formal bid process, unless an exemption applies (see Section 3.A.3). This process includes, but is not limited to: advertising; submission of formal, written proposals by bidding contractors; and Board approval. The lead-time is approximately three months but this timeframe can vary and must be determined on a case basis.
- F. As soon as an employee becomes aware that a purchase or lease over the bid limit is necessary, contact respective manager/division dean who will contact Executive Cabinet member for determination to proceed. Once determination is made, Administrative Services must be contacted to begin the formal bid process.
- G. Vendors must enter into a written agreement with the District in order to receive payment. The District has standardized contracts which should be used if possible. Occasionally, a vendor will provide his/her own agreement; however, it must include certain District-required language, which is available from Administrative Services. Only a Board-approved signatory may sign an agreement on behalf of the District and Vice President of Administrative Services is the primary signer; names of other authorized signers are available through Administrative Services. Originator should contact Administrative Services for questions and assistance. For vendors that are new to the District, or vendors that need to update information, submit a Vendor Information Form to Administrative Services.
- H. Prepare Vendor Information Form (if applicable) and Purchase Requisition to submit to Administrative Services.
- I. Agreement terms and documents will be reviewed by Administrative Services and forwarded for additional review by legal counsel and/or insurance administrator, as appropriate. Originator must allow sufficient time for such review before document is submitted to the Board. Originator may be responsible to provide Administrative Services with a draft Board Agenda item. Administrative Services will facilitate the execution of the agreement (only a Board-approved signatory may sign an agreement on behalf of the District) and distribute executed agreement as necessary. Agreements signed by anyone not Board approved will be considered invalid and will not be honored by the District.
- J. After services have been performed satisfactorily and an invoice is received, Administrative Services shall: (1) Approve invoice for payment; and (2) Forward approved invoice to Accounts Payable.

2. Types of Agreements

A. Purchase Order (Including Blanket Purchase Order) – Purchase Orders are contracts and are the most commonly used means for acquiring equipment, materials and supplies. Purchase Orders are processed by the Purchasing Department and placed on the Board Agenda each month for ratification.

B. Basic Services Agreement – Basic services are services of a short term,

temporary nature, where the services can be easily delineated in the standard “boilerplate” agreement available from Administrative Services. Basic Services Agreements are usually for \$600 or less and the deliverables or outcomes to be provided are not complex. Examples of Basic services would be an entertainer or food server at an event, a musician used in a class/event setting, a professional development workshop facilitator, or a community extension workshop instructor, etc.

C. Guest Speaker Services Agreement – Guest Speaker services of a short term, temporary nature where the services can be easily delineated in the standard “boilerplate” agreement available from Administrative Services. Example of Guest Speaker services: a guest speaker for an event or class.

D. Professional Services Agreement – Professional services are services which are complex in nature, where the deliverables or outcomes require a high level of professional expertise. The District and the vendor execute an agreement particular to the agreed upon assignment. Examples of Professional Services would be an attorney, auditor, professional consultant (e.g., public bond, grant writer, specialty analysis/service), construction inspector, etc.

E. Independent Contractor Agreement



3. Bid Limits and Specifications

The Board of Trustees delegates to the Vice President of Administrative Services the authority to enter into contracts on behalf of the District and to establish administrative procedures for contract awards and management, subject to the following outlined terms:

A. Limits

- 1. Less than \$4,999.99 - Quotes not required.**
- 2. Informal: up \$5,000 to \$114,700 - Requires 3 BIDS/ QUOTES.**
- 3. Formal: \$114, 701 and greater:**

Bids or quotations shall be secured as may be necessary to obtain the lowest possible prices as follows:

- i. Purchase of goods or services up to the limits set out in the Public Contract Code, Section 20651 will require documented quotes for like goods or services.
- ii. Purchases of goods or services in excess of the limits set out in the Public Contract Code, Section 20651 will require formal advertised bids.
- iii. In securing bids or quotations, the District will avoid acquisition of unnecessary or duplicative items. Contracts involving expenditures that

require competitive bidding or exceed the amounts specified in Public Contract code Section 20651, require approval by the Board of Trustees prior to award.

- iv. Completed Vendor Information Form (if new vendor) and Purchase Requisition are required.
- v. Exception to Formal Bid Requirement - For special services and advice in financial, economic, accounting, engineering, legal, or administrative matters, if the persons providing special services are specially trained, experienced and competent to perform the special services required (Gov. Code Section 53060).

NOTE: The bid minimums are annually readjusted by the Board of Governors as required by Public Contract Code Section 20651(d). The current bid minimum can be found at <http://www.cde.ca.gov/fg/ac/co/>.

B. Bid Specifications

- 1. With limited exceptions, bid specifications should not be proprietary or limited to a single manufacturer, but shall include a definite, complete statement of what is required and, insofar as practical, shall include pertinent details of size, composition, construction, and/or texture of what is specified, and minimum standards of efficiency, durability, and/or utility required of what is specified. Additionally, when the use of a skilled and trained workforce to complete a contract or project is required, the bid documents and construction contracts shall state that the project is subject to the skilled and trained workforce requirement.
- 2. If the Vice President of Administrative Services concludes that the best interests of the District will be served by pre-qualification of bidders in accordance with Public Contract Code Section 20651.5, pre-qualification may be conducted in accordance with procedures that provide for a uniform system of rating on the basis of a questionnaire and financial statements.

4. Advertisement of Formal Bids

- A.** The District shall publish at least once a week for two weeks in a newspaper of general circulation published within the District or if there is no such paper, then in some newspaper of general circulation, circulated in the county, [and may post on the District's web site or through an electronic portal,] a notice calling for bids or proposals, stating the work to be done or materials or supplies to be furnished and the time and place when bids will be opened. The District may accept a bid that was submitted either electronically or on paper.
- B.** Bid and contract forms shall be prepared and maintained by the Associate Vice President of Administrative Services. All applicable statutory provisions and board policies shall be observed in preparation of the forms.

- C. The District shall be responsible for ensuring that the bid specifications are sufficiently broad to encourage and promote open competitive bidding.
- D. All bid notices for work to be done shall contain an affirmative statement requiring compliance with Labor Code Sections 1775 and 1776 governing payment of prevailing wages and Labor Code Section 1777.5 governing employment of apprentices. All bid submissions shall contain all documents necessary to assure compliance with these California Labor Code Sections. Failure to provide such documentation shall cause any such bid to be deemed incomplete.
- E. When required or determined to be appropriate, bids shall be accompanied by a certified or cashier's check, or bid bond, in the amount specified in the bid form, as a guarantee that the bidder will enter into contract and furnish the required contract bonds. When no longer required for the protection of the District, any certified or cashier's check received shall be returned to the respective bidder.
- F. The District shall make available to the prospective bidders, bid forms with sets of specifications and drawings and shall provide a convenient place where bidders, subcontractors, and materiel personnel may examine the specifications and drawings.
- G. The District shall provide an electronic copy of the plans and specifications and other contract documents to a contractor plan room service at no charge upon request from that contractor plan room.
- H. When permitted, a deposit for sets of plans and specifications may be required and may be refunded when such documents are returned.

5. Awarding of Bids and Contracts

- A. The awarding of bids and contracts shall be subject to the following conditions:
 - 1. Any and all bids and contract proposals may be rejected by the District.
 - 2. All bids shall be opened publicly and bidder shall be given the opportunity to make record of the bids received.
 - 3. Bid and contract award recommendations to the Board shall show a tabulation of the bids received in reasonable detail.
- B. Selection and Award Lowest Responsible Bidder
 - 1. Bid and contract awards shall be made to the lowest, responsible bidder, substantially meeting the requirements of the specifications published by the District and who shall give such security as the Board requires, or reject all bids.
 - 2. The District reserves the right to make its selection of materials

or services purchased based on its best judgment as to which bid substantially complies with the quality required by the specifications.

C. Selection and Award Based on Best Value

1. For the purposes of bid evaluation and selection, when the District determines that it can expect long-term savings through the use of life-cycle cost methodology, the use of more sustainable goods and materials, and reduced administrative costs, the District may select the lowest responsible bidder on the basis of best value pursuant to policies and procedures adopted by the governing board in accordance with this section.
2. "Best Value" means the most advantageous balance of price, quality, service, performance, and other elements, as defined by the Board, achieved through methods in accordance with this section and determined by objective performance criteria that may include price, features, long-term functionality, life-cycle costs, overall sustainability, and required services.
3. The District will consider all of the following in a best-value selection and award:
 - a. Price and service level proposals that reduce the District's overall operating costs, including end-of-life expenditures and impact.
 - b. Equipment, services, supplies, and materials; standards that support the District's strategic acquisition and management program direction.
 - c. A procedure for protest and resolution in the request for proposal.

The District may also consider any of the following in a best value selection and award:

- d. The total cost of its purchase, use, and consumption of equipment, supplies, and materials.
- e. The operational cost or benefit incurred by the District.
- f. The added value to the District, as defined in the request for proposal, of vendor-added services.
- g. The quality and effectiveness of equipment, supplies, materials, and services.
- h. The reliability of delivery and installation schedules.
- i. The terms and conditions of product warranties and vendor guarantees.
- j. The financial stability of the vendor.
- k. The vendor's quality assurance program.
- l. The vendor's experience with the provisions of equipment,

supplies, materials, and services within the institutional marketplace.

- m. The consistency of the vendor's proposed equipment, supplies, materials, and services with the District's overall supplies and materials procurement program.

The economic benefits to the local community, including, but not limited to, job creation and retention. The environmental benefits to the local community.

- D. Contracts are not enforceable obligations until they are approved or ratified by the Board.
- E. The District will award a contract to the lowest responsible bidder, whose proposal offers the best value to the District based solely on the criteria set forth in the request for proposal. The District shall document its determination in writing.
- F. The District shall issue a written notice of intent to award supporting its contract award and stating in detail the basis of the award. The notice of the intent to award and the contract file must be sufficient to satisfy an external audit.
- G. The District shall publicly announce its award, identifying the bidder to which the award is made, the price proposal of the contractor awarded the contract, and the overall combined rating on the request for proposal evaluation factors. The announcement shall also include the ranking of the contractor awarded the contract in relation to all other responsive bidders and their respective price proposals and summary of the rationale for the contract award.
- H. The District shall ensure that all businesses have a fair and equitable opportunity to compete for, and participate in, district contracts and shall also ensure that discrimination on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation, does not occur in the award and performance of contracts.
- I. Authority to sign contracts, orders, warrants, and other transactions on behalf of the Board is delegated to the Vice President of Administrative Services and other officers designated by the Vice President of Administrative Services. Their authorized signatures shall be filed with the Los Angeles County Office of Education.

5. Purchase without Advertising for Bids

- A. The Vice President of Administrative Services or designee is authorized to make purchases from firms holding public agency contracts without calling for bids where it appears advantageous to do so, or the anticipated expense is under the bid limit.

- B. The Vice President of Administrative Services or designee may, without advertising for bids within the same county, city, town or district, purchase or lease from other public agencies materials or services by authorization of contract or purchase order.
- C. The Vice President of Administrative Services or designee may make purchases through the CollegeBuys Program for the Procurement of Goods and Services for Community College Districts, without conducting an independent local bidding process, if the District determines that doing so would result in a lower contract price upon the same terms, conditions and specifications.
- D. The Vice President of Administrative Services or designee may make purchases through the State of California Cooperative Purchasing Program operated by the Department of General Services and other public agency contracts and “piggybackable” contracts as allowed by law.
- E. If the best interests of the District will be served by a contract, lease, requisition, or purchase order through any other public corporation or agency in accordance with Public Contract Code Section 20652, the Vice President of Administrative Services is authorized to proceed with a contract.
- F. The Vice President of Administrative Services or designee is authorized to make purchases with a value between \$5,000 and \$250,000 from a certified small business, microbusiness, or disabled veteran business enterprise.
- G. When the Vice President of Administrative Services, or designee, determines that, the District can obtain a contract for goods or services through the California Community Colleges Chancellor’s Office College Buys Program for the Procurement of Goods and Services for Community College Districts at a lower price upon the same terms, conditions and specifications, the Vice President of Administrative Services or designee may proceed with the contract without conducting a formal bidding process.

6. Duration of Continuing Contracts for Services and Supplies

Continuing contracts for work or services furnished to the District are not to exceed five (5) years. Contracts for materials and supplies are not to exceed three years.

7. Emergency Repair Contracts without Bid

In the case of an emergency (when any repairs, alterations, work, or improvements are necessary to any facility to permit the continuance of existing classes, or to avoid danger to life or property) the Director of Facilities and Construction is authorized to execute in the name of the Board, contracts and documents on behalf of the District for labor, materials and supplies without advertising for or inviting bids involved with the stated emergency, where such contracts are not in conflict with the limits set forth in Public Contract Code 20650 and Education Code 81641. Any authorization utilized

under this provision shall be re-authorized within 15 days by the Vice President of Administrative Services.

8. Unlawful to Split Bids

It shall be unlawful to split or separate into smaller work orders or projects any project for the purpose of evading the provisions of the Public Contract Code requiring work to be done by contract after competitive bidding.

9. Record Retention

The District will retain records sufficient to detail the history of procurement. These records include: rationale for the method of procurement, selection of contract type, contractor selection and rejection, and the basis for the contract price.

10. Vendor Diversity Plan

The District is committed to achieving diversity, equity, and inclusion with regard to its vendors. The Associate Vice President of Administrative Services will create a Vendor Diversity Plan to increase diversity, equity, and inclusion in the District's vendors.

References:

- Education Code Sections 81641 et seq.
- Public Contract Code Sections 20103.7, 20112, 20650 et seq., and 22000 et seq.
- Labor Code Sections 1770 et seq.
- Government Code Section 53060
- ACCJC Accreditation Standard